

AFFIDAVIT

NOW COMES the Affiant, David E Mack of Dallas, Texas who is over the age of 21 years, competent to testify, and declares as follows under penalty of perjury regarding Case No. 4:11cv00793; David E Mack v Equable Ascent Financial, LLC:

1. That Affiant/Plaintiff is not in receipt of anything, nor is there anything on the record made, that would show or prove that Equable Ascent Financial, LLC obtained Affiant's credit report to assess or evaluate any account relating to the Affiant.
2. That Affiant is not in receipt of anything, nor is there anything on the record made, that would show or prove that Equable Ascent Financial, LLC had a permissible purpose to obtain his credit report.
3. That Affiant states he did not become aware of the violation alleged in this cause of action until he diligently studied the FCRA, 15 U.S.C. § 1681 et seq. beginning in April 2011 and in continued study discovered the violation in May 2011.
4. That Affiant took steps immediately to mitigate damages by contacting Hilco Receivables, LLC only to find out it had merged with Equable Ascent Financial, LLC and currently operated under that name.
5. That Affiant is not in receipt of anything, nor is there anything on the record made, that would show or prove that Affiant knew of the violation of the FCRA prior to May 2011.
6. That there is nothing on the record made, that would show or prove that there is any account of David E Mack where there is any balance due and owing that

could be assessed, evaluated, or collected at any time by Equable Ascent Financial, LLC.

7. That Affiant is not in receipt of anything, nor is there anything on the record made, that would show or prove that there is any permissible purpose for the Defendant in Case No. 4:11cv00793 in the United States District Court for the Eastern District of Texas, Sherman Division to obtain the credit report of David E Mack.
8. That Affiant/Plaintiff at no time gave permission to Hilco Receivables, LLC or Equable Ascent Financial, LLC to obtain his credit report.

NOTARY'S VERIFICATION

STATE OF TEXAS                   §  
   §  
COUNTY OF DALLAS           §

On this day personally came before me the above-named Affiant, who proved his identity to me to my satisfaction, and he acknowledged his signature on this Affidavit in my presence and stated that he did so with full understanding that he was subject to the penalties of perjury.

AFFIRMATION

I hereby affirm that I prepared and have read this Affidavit and that I believe the foregoing statements in this Affidavit to be true and correct. I hereby further affirm that the basis of these beliefs is my own direct knowledge of the statements described herein.

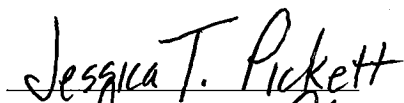
Further the Affiant sayeth naught.

Signed in Dallas, Texas  
October 22, 2012

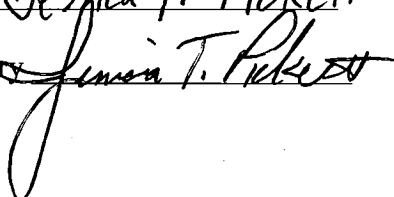


David E Mack

Name of Notary



Signature of Notary



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Plaintiff's Exhibit 1